

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

**CIVIL CASE NO. 1:08cv538
[Criminal Case No. 1:06cr13-1]**

SHAFEEQ MUHAMMAD,)
Petitioner,)
v.) **ORDER**
UNITED STATES OF AMERICA,)
Respondent.)
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THIS MATTER is before the Court on the Petitioner's Motion (*In Forma Pauperis*)/Plea Agreement & Sentencing Transcript [Doc. 10].

The Petitioner requests that copies of his plea agreement and the transcript from his sentencing hearing be provided to him at no cost. Prior letters from him to the Clerk of Court show that he wants those documents so that he may amend his pending motion pursuant to 28 U.S.C. § 2255. [Doc. 6; Doc. 7; Doc. 14]. The record, however, shows that the Petitioner has already amended his motion pursuant to §2255 on January 30, 2009. [Doc. 3].

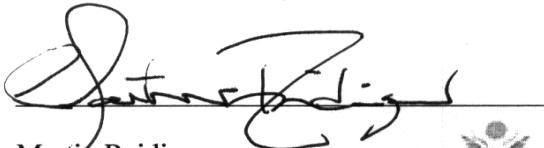
Transcripts in a §2255 proceeding may not be furnished at government

expense unless this Court "certifies that the suit ... is not frivolous and that the transcript is needed to decide the issue presented by the suit[.]" 28 U.S.C. §753(f). The Petitioner has not shown in what manner a transcript of his sentencing hearing is necessary to decide the issues presented in his pending motion pursuant to §2255. Id. Federal inmates are not entitled to transcripts at Government expense for collateral attacks on their convictions absent some showing of a particularized need. United States v. MacCollom, 426 U.S. 317, 326-27, 96 S.Ct. 2086, 48 L.Ed.2d 666 (1976); United States v. Davis, 369 Fed.Appx. 546 (5th Cir. 2010); United States v. Parker, 273 Fed.Appx. 243, 244 (4th Cir. 2008); Alexander v. Evatt, 23 F.3d 399 (4th Cir. 1994). "An indigent is not entitled to a transcript at government expense without a showing of need, merely to comb the record in the hope of discovering some flaw." Jones v. Superintendent, Virginia State Farm, 460 F.2d 150, 152 (4th Cir. 1972), *certiorari denied* 410 U.S. 944, 93 S.Ct. 1380, 35 L.Ed.2d 611 (1973). The same standard applies to a prisoner's request for a copy of his plea agreement. United States v. Lewis, 37 F.3d 1510 (10th Cir. 1994) (applying standard to request for pretrial records); United States v. Adams, 2007 WL 1302543 (D.Kan. 2007) (plea agreement). As a result, the motion will be denied.

IT IS, THEREFORE, ORDERED that the Petitioner's Motion (*In Forma*

*Pauperis)/Plea Agreement & Sentencing Transcript [Doc. 10] is hereby
DENIED.*

Signed: November 11, 2010



Martin Reidinger
United States District Judge

